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See LETTER
OUTLINING
CONCLUSIONS

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Stockton Services
PO Box 1306
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Peter Knight
The Stanhope Group LLC
500 Market Street Unit 1C
Portsmouth, NH 03801

January 12, 2010

Dear Mr. Knight:

Regarding your request for assistance with your appraisal of the Watson land in Newington, I offer the following comments based on my research of record evidence pertaining to the two possible locations for access into the property.

1. **From Fox Point Road through Beane's Lane and land of Fish and Game et al.**

   A. In Samuel Shackford probate #8546 OS (1812), the land listed as 105 acre farm appears to have been landlocked at that time. All land partitioned in this farm, including our locus, was described with a "privilege of passing.......to and from the road in the usual way [or wheel way]".

   B. Subsequent deeds to land included in the original 105 acres continue to refer to a right of way through adjacent properties to what is now Fox Point Road. The existing public way known as Beane's Lane has since either overlapped or replaced the original right of way for a considerable portion of its length, starting with RCRD Plan D10626.

   C. The "usual wheelway" through the former Beane land appears to be the same as was surveyed and confirmed to Nathaniel P. Coleman in 1866. I have not been able to locate the agreement referred to in the plan note, but the plan is quite specific (see attached file). About 600' of this surveyed right of way has since been superceded by the extension of Beane's Lane shown on RCRD Plans D4381, D8938, D11604, D21055 and others.

   D. The remainder of the right of way to the Watson land appears to be in the same general location as the 15' ROW and the Old Woods Road shown on the plans just mentioned, except that the 1866 right of way is 2 rods wide (33'). Although there is conflicting information in the record about the location of boundary lines in the immediate vicinity, it appears that the 1866 right of way would encumber 4 present owners, including NH Fish and Game, Great Bay Marine, Inc., John and Margaret Adams, and Susan and Ian Fritz.

The current access to the Watson property as described above appears to have been used and noted in the record at least as far back as 1812 (where I stopped my search). It was surveyed and confirmed with care in 1866 by the owners at the time. It has been further protected and enhanced for over half of its overall length by the creation of a public road. Its existence has been consistently referenced, acknowledged, or allowed for in recent deeds and plans. To the best of my knowledge, the actual use of this right of way has been continuously recognized and uncontested. In my opinion, the record supports reliance on its legitimate use as the primary access to the Watson land.

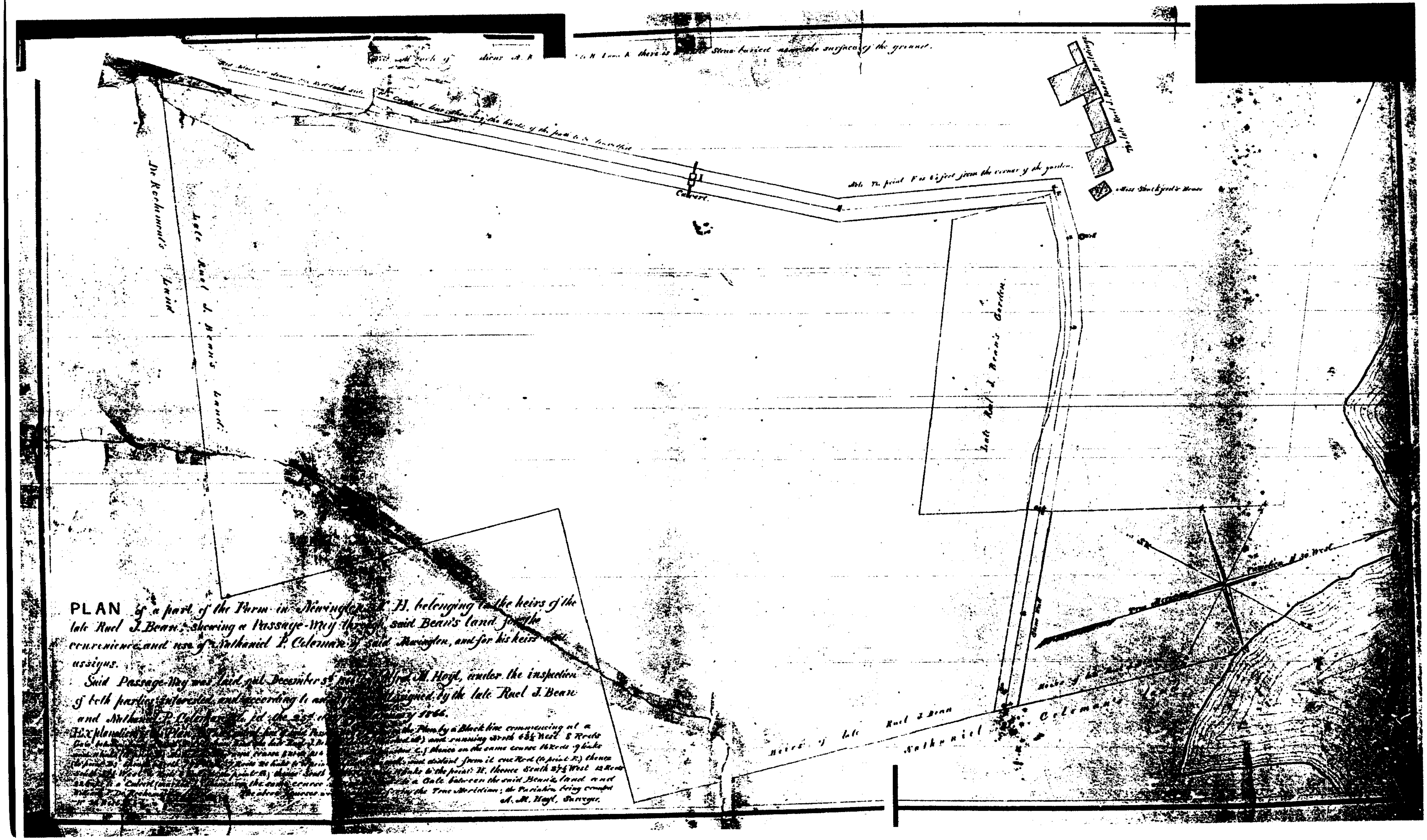
2. **From Nimble Hill Road between Coleman Estates and Young property.**
   A. In 1888, a 1 ½ rod wide (24.75') right of way was conveyed to Valentine Coleman along with the interest of the other heirs of N.P.Coleman in the "Shackford Lot" to the rear.At the time, James Coleman, one of the grantors, owned the land on both sides of this strip, although it was described as part of the "Downing Field", which eventually became the Coleman Drive subdivision (RCRD Plan 02754), as opposed to the "10 Acre Lot" (RCRD Plan D6947). Considering abutter calls, there seems to have been confusion among subsequent grantors to the Downing Field land as to whether this strip was intended to be fee or easement only. A reversion clause in the original conveyance (RCRD 510-367) stated that, if the Watson land were conveyed to someone outside the family, the strip (or right of way) would revert to the heirs and assigns of James Coleman. The lack of certainty as to who this might mean combined with the fee/easement uncertainty and obvious site constraints posed by the brook crossing this strip make for limited confidence in the possibility of developing an access road to the backland in this location. It is interesting to note that a 6 or 8 acre piece of land had separated this location from the main farm for many years (Probate #1931NS, RCRD 467-183), was never owned by N.P.Coleman, and only became part of the "Shackford lot" again in 1877 when conveyed to his heirs by Samuel Hart.

I hope this gives you what you need to complete your appraisal. As always, the history of this property is more complicated than it would seem. I would be happy to sit down and go over all the details with anyone who might be interested. And of course feel free to call with questions or comments at your convenience. My cell is 603 765-8918.

Thanks very much,

Tocky B.

Anne Bialobrzeski
NHLLS #752
Stockton Services


there is a [illegible] Stone buried near the surface of the ground.
Red lines are drawn on the east side
the Centre line showing the limits of the path to be travelled
Culvert.
Note. The point F is 6 feet from the corner of the garden.
The late Ruel J. Bean's Buildings.
Miss Shackford's House
De Rochemont's Land
Late Ruel J. Bean's Land
Late Ruel J. Bean's Garden.
Stone Wall
Heirs of late Ruel J. Bean
Nathaniel P. Coleman's
Heirs of late Ruel J. Bean
True Meridian
Variation 8 30 West
SE

PLAN of a part of the Farm in Newington N. H. belonging to the heirs of the late Ruel J. Bean, showing a Passage-Way through said Bean's land for the convenience and use of Nathaniel P. Coleman of said Newington, and for his heirs and assigns.

Said Passage-Way was laid out December 5th [illegible] Alfred M. Hoyt, under the inspection of both parties interested, and according to [illegible] signed by the late Ruel J. Bean and Nathaniel P. Coleman [illegible] the 25th [illegible] 1866.

Explanation [illegible] Plan [illegible] the Plan by a Black line commencing at a Gate [illegible] and running North 68½ West 8 Rods [illegible] C.; thence on the same course 16 Rods 9 links [illegible] and distant from it one Rod (to point R.) thence [illegible] links to the point: H. thence South 27½ West 12 Rods 22 links to a Culvert (marked [illegible]) thence on the same course [illegible] to a Gate between the said Bean's land and William F. De Rochemont's [illegible] The above courses are [illegible] for the True Meridian; the Variation being computed [illegible]

A. M. Hoyt, Surveyor.